

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
JULIO SANTIAGO et al.)
Defendants)
Criminal No. 04-10336-NMG

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(C)

The United States of America and Defendant, Santiago Arroyo, defendants, by and through their respective counsel, hereby submit this joint memorandum addressing the issues set forth in Local Rule 116.5(C)(1) through Local Rule 116.5(C)(9) in anticipation of the status conference currently scheduled for October 17, 2005.

Local Rule 116.5(c)(1)

There are no outstanding discovery issues that have not been presented to or resolved by the Court.

Local Rule 116.5(c)(2)

At this time, no party anticipates that additional discovery will be provided, other than as required by Local Rule 116.2(B)(2). Notwithstanding that no additional discovery is anticipated, the parties recognize their duty to supplement if additional discoverable items are located. The government may introduce expert testimony related to firearms, ballistics, and the noise reduction capability of silencers seized from codefendant Julio Santiago in this case (Defendant Santiago Arroyo is not charged with a firearm offense). No party

anticipates that it will present additional expert testimony. However, should the parties be unable to stipulate as to the chemical analysis of the substances seized in this case, the government will provide such information as to its chemist as is required under Fed. R. Crim. P. 16(a)(1)(E) no later than forty five (45), and Defendant no later than twenty-one (21) days before trial.

Local Rule 116.5(C)(3)

Defendant does not intend to raise a defense of insanity or public authority.

Local Rule 116.5(C)(4)

The government has not requested that the defendant provide notice of alibi.

Local Rule 116.5(C)(5)

At this time, Defendant does not anticipate filing a motion to sever or dismiss or suppress that will require a ruling from the District Court before trial.

Local Rule 116.5(C)(6)

The parties do not request the setting of a schedule concerning any non-trial matter.

Local Rule 116.5(C)(7)

At this time, the parties request a date for a Rule 11 hearing. No party objects to the additional time, and all parties agree that exclusion of the time for Speedy Trial Act purposes is in the interest of justice.

Local Rule 116.5(C)(8)

The parties agree that the date of arraignment (June 29, 2005) through the date of the Rule 11 hearing is subject to excludable delay for Speedy Trial Act purposes. As noted in prior filings, several codefendants have motions to suppress which are presently pending before Judge Nathaniel M. Gorton.

Local Rule 116.5(C)(9)

In the event that this case proceeds to trial, the parties estimate that the trial would not last longer than three weeks.

Other Matters

None.

Respectfully submitted,

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Dated: April 6, 2005